

**CHAPTER NO. 64**

**HOUSE BILL NO. 2128**

**By Representative Buck**

**Substituted for: Senate Bill No. 2045**

**By Senator Beavers**

AN ACT to provide regulations for health and sanitation upon properties within Macon County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Purpose and Scope: The purpose of this act is to provide regulations for health and sanitation upon properties within Macon County.

SECTION 2. Definitions:

(a) "County" is Macon County, Tennessee.

(b) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(c) "Private property" shall mean any real property within the county which is privately owned.

SECTION 3. Premises to be kept clean: All persons within Macon County are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse, except where stored as provided in this chapter.

SECTION 4. Storage: Each owner, occupant, or other responsible person using or occupying any building or other premises within Macon County where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent- and insect-proof.

SECTION 5. Health and sanitation nuisances: It shall be unlawful for any person in Macon County to permit any premises owned, occupied, or controlled by that person to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity.

SECTION 6. Storage of unused, discarded, or abandoned materials: Each owner, occupant, or other responsible persons using or occupying any parcel, lot, or tract of land with or without structures in Macon County are required to keep premises free from unused, discarded, or abandoned materials to include, but not limited to, old appliances, tires, construction materials, or any substance or material deemed to be unhealthy, unsightly, unwholesome, or offensive to adjoining property owners.

SECTION 7. Notice to remove: Whenever it comes to the attention of the county that any nuisance as defined in Sections 1 through 4 of this private act exists in Macon County, a notice in writing shall be served upon the occupant of the land where the

nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this act.

SECTION 8. Responsibility for removal: Upon proper notice and opportunity to be heard, the owner of the property where unsanitary conditions exist, or the occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the county, the owner or occupant of the private property where same is located shall be liable for the expenses incurred.

SECTION 9. Notice procedure: The codes enforcement officer of the county shall give notice of removal to the owner or occupant of the private property where it is located at least seven (7) days before the time of compliance. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the condition is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at this last known address.

SECTION 10. Content of notice: The notice shall contain the request for removal, within the time specified in this private act, and the notice shall advise that upon failure to comply with the notice to remove, the county or its designee shall undertake such removal with the costs of the removal to be levied against the owner of the property.

SECTION 11. Request for hearing: The persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing in Macon County within the seven-day period of compliance prescribed in Sections 1 through 4 for the purpose of defending the charges by the county.

SECTION 12. Procedure for hearing: The hearing shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At such hearing, the county and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

SECTION 13. Liability of owner or occupant: Upon the failure of the owner or occupant of the property on which the condition exists, to pay the unrecovered expenses incurred by the county in such removal, a lien shall be placed upon the property for the amount of such expenses.

SECTION 14. Penalty: Any person violating any of the provisions of this private act shall be guilty of a misdemeanor, and shall be fined in accordance with the General Sessions Court of Macon County.

SECTION 15. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Macon County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Macon County and certified to the secretary of state.

SECTION 16. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 15.

**PASSED: May 29, 2003**

  
JIMMY RAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 23<sup>rd</sup> day of June 2003

  
PHIL BREDEZEN, GOVERNOR